

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES, :
Plaintiff, : Criminal Action No. 71-683 (SDW)
v. :
VINCENT DIMODICA, :
Defendant. : ORDER
:

IT APPEARING THAT:

1. On May 2, 2008, Defendant Vincent DiModica, a pro se litigant currently confined at F.C.I. Otisville, Otisville, New York, a person convicted on various charges, submitted his civil challenge to the fact of his 1997 conviction, as well as to incidents of his confinement associated with that conviction, asserting that his 1997 conviction and confinement were erroneous in light of his 1974 conviction. See Docket Entry No. 1.
2. The Clerk's Office erroneously docketed this civil challenge as a motion in DiModica's closed criminal matter, which resulted in his 1974 conviction.
3. On September 3, 2008, DiModica submitted his amended civil challenge. See Docket Entry No. 2.
4. On October 8, 2008, the United States submitted a response to DiModica's filings. See Docket Entries Nos. 3 and 5.

5. On November 6 and 13, 2008, DiModica filed requests for extensions of time to reply to the United States's response. See Docket Entries No. 6 and 7.

IT IS on this 4th day of December 2008,

ORDERED that DiModica's request for an extension of time to reply is granted, and he may file his reply within twenty days from the date of entry of this Order; and it is further

ORDERED that the Clerk shall open a new civil matter for DiModica in order to enable the Court to address his civil challenges; and it is further

ORDERED that the Clerk shall designate the "nature of the suit" of this newly opened matter as a "530 series (a habeas corpus - general application by a pro se prisoner)"; and it is further

ORDERED that the Clerk shall designate DiModica as Petitioner and the United States and Warden of F.C.I. Otisville as Respondents in that newly opened matter, who are being represented by Randall Hastings Cook, Assistant United States Attorney at the Office of the United States Attorney, 970 Broad Street, Newark, New Jersey 07102, tel. 973-645-2700, email <<randal.cook@usdoj.gov>> (hereinafter "Respondents' Counsel"); and it is further

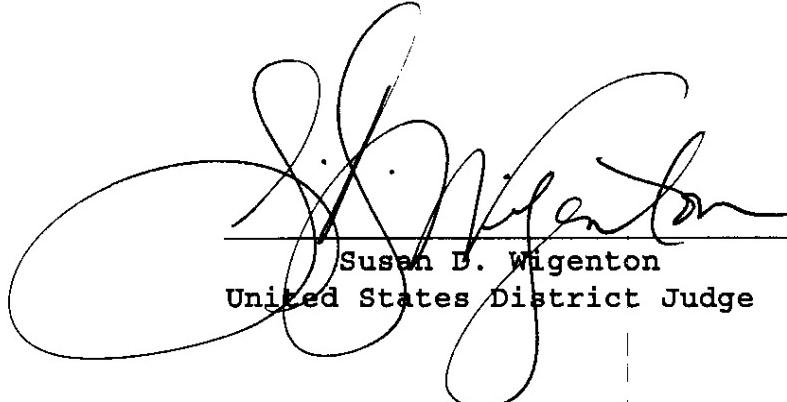
ORDERED that the Clerk shall docket, in that newly opened matter, the following documents docketed in the instant action: Docket Entry No. 1 (designating it as "Petition"), Docket Entry No. 2 (designating it as "Amended Petition"), Docket Entry No. 3

(designating it as "Answer"); Docket Entry No. 5 (designating it as a "Supplemental Answer"), Docket Entry No. 6 (designating it as "Petitioner's Motion"), Docket Entry No. 7 (designating it as "Petitioner's Amended Motion"), and the instant Order; and it is further

ORDERED that the Clerk shall serve a copy of this Order upon Respondents' Counsel by means of electronic delivery; and it is further

ORDERED that the Clerk shall serve copies of this Order and the docket sheet of the newly opened matter upon Petitioner by certified mail, return receipt requested; and it is finally

ORDERED that the Clerk shall administratively terminate the instant matter.



Susan B. Wigenton
United States District Judge

cc: Pro Se Attorneys